IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.16396 of 2006**
DATE OF DECISION: November 27, 2006

DUNI CHAND ...PETITIONER

VERSUS

DIVISIONAL CANAL OFFICER & ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. S.S. GODARA, ADVOCATE FOR THE PETITIONER.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has prayed for quashing of the order, Annexure P-4 passed by the Divisional Canal Officer by which restoration of water course DE was disallowed in appeal.

A perusal of the impugned order shows that restoration was disallowed as majority of share-holders of Ding Minor had filed an affidavit before the appellate authority that they would have no objection if the water course is demolished.

Counsel for the petitioner submits that the petitioner was not one of the persons who filed the affidavit and that his interests have adversely affected.

We have perused the case on merits. A perusal of the site plan, Annexure P-1 shows that the petitioner will suffer no loss of irrigation as he is already irrigating his fields from point DHE. The petitioner is also getting his irrigation from point BCD. Thus, there is no loss of irrigation to the petitioner in any manner.

No merit. Dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

November 27, 2006
Gulati

(NIRMAL YADAV)
JUDGE